

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL T. WEATHERS,

Plaintiff,

v.

S. LOUMAKIS, *et al.*,

Defendants.

Case No. 2:15-cv-00027-JAD-PAL

ORDER

I. DISCUSSION

On December 3, 2015, the Court issued a screening order dismissing Plaintiff's Eighth Amendment deliberate indifference claim with leave to amend and allowing Plaintiff to proceed on his conditions of confinement claim against defendants Loumakis, Suey, and Sgt. Adams. (ECF No. 8). The Court granted Plaintiff 30 days from the date of that order to file a second amended complaint curing the deficiencies of his deliberate indifference claim. (*Id.* at 8). The Court specifically stated that if Plaintiff chose not to file a second amended complaint, the action would proceed on the conditions of confinement claim against Loumakis, Suey, and Sgt. Adams. (*Id.* at 9). Plaintiff has not filed a second amended complaint. Pursuant to the screening order, this action shall proceed on conditions of confinement claim against Loumakis, Suey, and Sgt. Adams.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that, pursuant to the Court's screening order (ECF No. 8), this action shall proceed on the conditions of confinement claim against Loumakis, Suey, and Sgt. Adams.

IT IS FURTHER ORDERED that the Clerk of Court **SHALL ISSUE** summonses for Defendants Loumakis, Suey, and Sgt. Adams, **AND DELIVER THE SAME**, along with the

1 amended complaint (ECF No. 7), to the U.S. Marshal for service. The Clerk also **SHALL SEND**
2 to Plaintiff **three** USM-285 forms, one copy of the amended complaint and a copy of this order.
3 Plaintiff shall have **thirty (30) days** within which to furnish to the U.S. Marshal the required
4 USM-285 forms with relevant information as to each Defendant on each form. Within **twenty**
5 **(20) days** after receiving from the U.S. Marshal a copy of the USM-285 forms showing whether
6 service has been accomplished, Plaintiff must file a notice with the Court identifying which
7 Defendants were served and which were not served, if any. If Plaintiff wishes to have service
8 again attempted on an unserved Defendant(s), then a motion must be filed with the Court
9 identifying the unserved Defendant(s) and specifying a more detailed name and/or address for
10 said Defendant(s), or whether some other manner of service should be attempted.

11 **IT IS FURTHER ORDERED** that the Court, in its discretion, may order a *subpoena*
12 *duces tecum* to the custodian of records at CCDC directing the custodian to provide the first
13 and last names and last-known addresses of the correctional officers identified in the complaint.

14 **IT IS FURTHER ORDERED** that henceforth, Plaintiff shall serve upon Defendants or,
15 if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
16 motion or other document submitted for consideration by the Court. Plaintiff shall include with
17 the original paper submitted for filing a certificate stating the date that a true and correct copy
18 of the document was mailed to the Defendants or counsel for the Defendants. The Court may
19 disregard any paper received by a district judge or magistrate judge which has not been filed
20 with the clerk, and any paper received by a district judge, magistrate judge or the clerk which
21 fails to include a certificate of service.

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23 DATED: This 8th day of January, 2016.

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26 United States Magistrate Judge
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